

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNIÓN DEL PUEBLO ENTERO, *
et al., *
*
Plaintiffs, *
* Civil Action
v. * No. 5:21-cv-844 (XR)
* (Consolidated Cases)
STATE OF TEXAS, et al., *
*
Defendants. *

ORAL DEPOSITION OF

JONATHAN WHITE

August 11, 2023

ORAL DEPOSITION of JONATHAN WHITE, produced as a witness at the instance of Defendant The United States, duly sworn, was taken in the above-styled and numbered cause on the 11th day of August, 2023 from 9:20 a.m. to 1:00 p.m., before Lydia L. Edwards, CSR in and for the State of Texas by machine shorthand, at the Office of the Attorney General, 209 West 14th Street, in the City of Austin, County of Travis, State of Texas, pursuant to the Federal Rules of Civil Procedure and any provisions stated on the record or attached hereto.

1 being provided to us. And as we stated before, the
2 protocol would be for Criminal Investigations to receive
3 a complaint and to then investigate it, you know, to do
4 some preliminary investigation, determine whether it
5 requires a full investigation, or merits one, and then
6 to investigate from there.

7 So the list -- I assume, you know, there's
8 a list that exists, but typically our practice was not
9 to proactively go out, seek information or data and then
10 initiate investigations based on that. We would
11 typically wait for a complaint.

12 Q. So you do not personally review all complaints
13 that come in?

14 A. I did not.

15 Q. Under what circumstances would a complaint be
16 brought to your attention?

17 A. Generally if it's something going forward on, I
18 would get looped in at some point, and that could be
19 early in the process or it could be a little later once
20 the investigation had already begun and perhaps the
21 investigator had questions.

22 Q. What steps do investigators take to review
23 complaints?

24 A. At the outset, evaluating -- making an initial
25 evaluation of a complaint would involve just a review of

1 the allegation itself, if there was any evidence
2 provided, thinking through the allegation based on our
3 experience and our knowledge of election crimes to see
4 if it even -- if the allegation even makes sense. Of
5 course, we would see if there's even a criminal
6 allegation that's alleged on the surface of the
7 complaint before -- as a preliminary step before we
8 would move forward.

9 Q. And those investigators were not supervised by
you, correct?

A. No, not -- they were not in my chain of command
because the election fraud unit -- or Election Integrity
Unit that investigated these crimes report to law
enforcement up their chain. And they're part of the
Criminal Investigations Division, and I was in
Prosecution. So I did not have direct supervisory
authority over those folks. It was more of a
knowledge-based and sort of a goodwill-based
relationship.

20 Q. So there were complaints that would come in
21 that would not be brought to your attention?

A. That's probably true.

Q. Is that probably true or do you know it to be
true that there would be certain complaints that you
would not be made aware of because they would be

resolved by this other unit?

A. I mean, I'm pretty sure that that's true because if there was a complaint that didn't require further investigation -- that didn't merit investigation it's unlikely that that would be brought to my attention.

7 Q. And that determination would be made by someone
8 else?

9 A. Correct. And if I could add to that, you know,
10 the procedures in the early days were more -- it was
11 more bifurcated where it was just Criminal
12 Investigations would take a complaint, review it, do an
13 investigation, then bring it to the prosecutor. We
14 tried to integrate that more as time went on because we
15 found that it built better cases. So there was some
16 variance in how that took place over time, but I would
17 see more and more complaints as time went on.

18 Q. And what was the turning point for that?

19 A. It was just -- it was just an effort to build
20 better cases by getting, you know, prosecutors involved
21 earlier in the process to evaluate the complaint and to
22 make suggestions based on what we would need to see
23 evidentiarily to be able to make a prosecutable case.

24 Q. I'm sorry. I meant what year --

25 A. Ah.

1 Q. -- did that change?

2 A. Gradually occurred over time.

3 Q. So the process was still bifurcated, but the
4 sort of informal collaboration depended on both the
5 nature of the complaint and, you know, the instincts for
6 collaboration over time?

7 A. Exactly.

8 Q. Through what means would you learn about the
9 outcome of an investigator's efforts, like a memo, an
email?

A. Generally it was one-on-one conversations. We
shared a space -- an office space, and that was one of
the efforts that we had made to sort of integrate going
forward to produce better investigations and have us
work together as a cohesive unit even though we were in
two separate divisions. So somebody would come sit down
in my office.

18 Q. Would an investigator write up their notes?

19 A. Generally not. They would write official
20 reports if -- if a case was completed and there was
21 probable cause that an offense occurred.

22 Q. And so there would be no paper record of
23 investigations that occurred and were undertaken but did
24 not turn into prosecutions?

25 MS. HUNKER: Objection, form.

1 A. I wouldn't -- I wouldn't say no because, you
2 know, there's -- there could be an occasional email,
3 certainly, but most of those conversations took place in
4 person, sometimes over the phone.

5 Q. (BY MS. PAIKOWSKY) Did the investigation
6 process itself generate documents/papers/records, like
7 emails/notes/reports?

8 A. Occasionally.

9 Q. And what is your basis for -- withdrawn.

 Did you personally participate in those
investigations beyond being apprised about them by the
investigators?

A. If a case moved forward to prosecution,
generally always yes. There would be follow-up
investigation by my team that was needed.

Q. I'm speaking just at the investigation phase.

A. Yeah.

Q. Would you question witnesses, for example,
before prosecution had been recommended?

A. No, generally not.

21 MS. PAIKOWSKY: So I would like to mark
22 this as Exhibit 3. I lost my exhibit stickers.

23 (White Exhibit No. 3 marked.)

24 Q. (BY MS. PAIKOWSKY) Do you recognize this
25 document?

1 Q. Do you recall what criteria you used to search
2 for documents in response to discovery requests in this
3 case?

4 A. It has been a long time. I want to say it's
5 probably been a year and a half or so. I -- really
6 don't. I remember in the early stages the requests were
7 mainly about SB1 specific communications and things, and
8 then after that I really don't have much recollection.

9 MS. HUNKER: Counsel, there appears to be
10 cut-off Bates numbers. Do you happen to have it so I
11 can note it for my records?

12 MS. PAIKOWSKY: Can I give it to you at
13 the break?

14 MS. HUNKER: Yes.

MS. PAIKOWSKY: Thank you. So I'm going
to mark this document as Exhibit 4 and pass it around as
well.

(White Exhibit No. 4 marked.)

Q. (BY MS. PAIKOWSKY) And you don't need to read
the whole thing. I'd just like to know do you recognize
what type of document this is?

22 A. Yes, ma'am.

23 Q. What is it?

24 A. This is a supplemental investigation report on
25 top. And I'm not sure if this whole thing is a

supplemental or not, but it's an investigative report, generally speaking.

Q. And so there would be a primary report in addition to this one?

A. Typically. And that may be -- this is -- oh, sorry. You got the staple in the right-hand corner. I think the document is actually upside-down.

Q. Oh, I'm sorry.

A. Yeah. This is an investigative report followed by a supplemental report perhaps.

Q. And this is a report that would be created to write up an investigation, correct?

13 A. Correct.

14 Q. And this is a document that you might review coming from the investigation division?

A. Correct. If this was referred for prosecution, I would generally see this document at some point in time.

Q. And so this document would be created for all investigations that had been authorized to move forward from a complaint into a formal investigation process; is that correct?

MS. HUNKER: Objection, form.

A. No, not necessarily. It would be -- this would be complete before we received a prosecution referral.

Q. (BY MS. PAIKOWSKY) So investigations that the investigation division internally did not warrant a prosecution recommendation might not be written up in this way and turned over to you; is that correct?

A. It -- it might be. But a situation where a case was referred -- where a case was investigated preliminarily and didn't turn into a full investigation would likely not have a complete investigative report like this one.

10 Q. But full investigations would have a report
11 like this one?

12 A. I think typically they would.

13 Q. And you would only receive it if it was turned
14 over to you from the other division because they thought
15 it warranted your attention?

16 A. Correct. I didn't have any direct access to
17 these documents.

Q. Do you -- how often did you receive documents
like this?

A. And I guess I would receive a document like this on the completion of any investigation that was referred for prosecution. And the number, I -- I'd be guessing if I tried to put an average on it, but in the spreadsheet of cases prosecuted, that would give you an idea of at least the cases that were able to be charged

in court, how many of those I received over what period of time.

Q. Did you ever receive an investigation document like this and decide not to prosecute?

A. I'm sure that happened, yes.

Q. Do you know about how often that happened?

A. I don't think I could put a number on it, but it wasn't infrequent that a case wouldn't be able -- wouldn't be viable in court.

Q. And when you were undertaking your search for documents -- and I know this was a long time ago -- do you recall looking for these kinds of reports?

A. I don't have a specific recollection of that, but I could say that most of the time I wouldn't retain copies of reports like this. I might if I had an investigation that proceeded forward, but typically these would stay with the Criminal Investigations Division.

Q. But if it turned into a prosecution, you would retain this for your records?

A. Very likely I would have a copy of that.

Q. How much of an investigative file comes to your attention? Is it just this document, or are there more?

A. It would depend on the case. But there could be a report or I might see, you know, election records

or I might just verbally be told about election records that were obtained. I might be told about, you know, witness interviews or things that the investigator had learned or researched. It depends on what stage I was having that interaction with an investigator. It depends on whether it was a case that ultimately was made on the investigation side, and it depends on whether a case was actually prosecution-worthy and then we actually in earnest gathered documents, performed our own investigation to shore up facts and evidence and whatnot. So it varies.

Q. So just so I understand -- and I'm going to maybe refer to this as a pre-prosecution investigation file and a prosecution-ready investigation file, so something that is kind of presented to you with a prosecution recommendation and something that's in the preliminary stages.

A. Uh-huh.

Q. So for a prosecution recommendation investigation file, that would include this report and potentially other evidence and things like that; is that correct?

A. It could. It's -- it all depends on the investigator really.

Q. How much time would you spend reviewing a file

that was presented to you as, you know, the investigation is complete and we're ready to move forward with the prosecution?

A. I mean, only as much as I had to.

Q. Did you read the whole thing every time or you could get a sense?

A. I didn't always need to read an entire investigative report if one was provided. I mean, a lot of it would be based on the conversation with the -- with the investigator so I could cut to the chase. Especially if the investigator wasn't -- wasn't that good of a writer, I might get the information out of him just via conversation.

Q. Are there any documents or records that the investigative unit would make when they closed an investigation and did not refer it for prosecution?

A. I'm not sure.

Q. Were there any documents or records that your office would create when a prosecution recommendation file with an investigation would be presented to you and you determined not to move forward with the prosecution, so closing documents?

A. Generally not. Generally we would only open a case if we had done significant work on that case on our side that, you know, time needed to be billed to. So --

1 but, no, we didn't have a standard form or anything that
2 we used to record presentations.

Q. So when we last spoke, you mentioned that you usually supervised cases and not prosecuted them because you supervised other attorneys. Is that -- was that correct?

A. Yeah. I mean, early in my career I was the line prosecutor. Toward the end when I was running the investigation s -- or the Election Integrity Division, I would generally be referring these cases to other attorneys. So if I saw something like this (indicating), it would probably not even come to me. I mean, it would probably go to the attorney, and I would just know what the basic case is from talking to the prosecutor and the investigator.

Q. Can you describe to me the division of labor between you and a line attorney when receiving an investigation and determining if -- to move forward with the prosecution?

A. Due to my experience with these cases, I would generally make a decision of whether a case was worth going forward or not, and I could do that fairly quickly. And then I would refer the file to the prosecutor and connect him with the investigator.

25 Q. When did you become a supervisor?

1 that. I say my investigator, not really mine but our
2 investigator.

3 Q. Was it before or after election day?

4 A. I know some of this was going on in real-time
5 prior to the election -- prior to voting day, but -- at
6 least that's my recollection.

7 Q. So you're not sure whether the list was
8 provided before or after election day?

9 A. I think I said it was before.

10 Q. Okay.

11 A. I'm pretty certain that it was before, and I
12 think it had to have been before because they were able
13 to not count most of the fraudulent votes that we had
14 found; although, a few had been counted. So my
15 deduction would have been that that would have had to
16 have happened during the early voting period.

Q. So you assert that Dallas County received and
counted fraudulent ballots from Mr. Mohamed. How did
you come to that conclusion?

A. That was -- I believe that was told to me by my
investigator.

Q. But you were not perfect -- personally involved
in investigating and making that determination?

A. No. I did not go to Dallas County, and I
didn't talk with the families and the voters myself. I

1 may have reviewed some election records, but I don't
2 have a specific memory of which ones I did or didn't.

3 Q. Did your office issue public statements
4 describing these assertions that Dallas County received
5 and counted fraudulent ballots?

6 A. Not to my knowledge. And we typically wouldn't
7 do that during the pendency of an investigation.

8 Q. Did your office include any of these assertions
9 in any public court filings?

10 A. I don't believe we would have done that, no,
11 during the pendency of the investigation.

12 MS. HUNKER: Objection, form.

13 Q. (BY MS. PAIKOWSKY) In past testimony, you
14 suggested that fraud occurs this way with no awareness
15 or participation from the voter, and large scale
16 operations are both easier to detect than harvesting
17 operations that engage voters directly; is that correct?

18 A. It's true -- I believe it's true that ballot
19 diversion schemes like the one that Mohamed performed
20 are easier to detect than boots on the ground, knock on
21 one door at a time, have an interaction with the voter,
22 yes, absolutely, because you have a large number of
23 ballots being sent to a single address. That could be a
24 residential care facility. It could be a multifamily
25 dwelling. But Denton County in this case took it upon

1 date, April 27, 2022. Do you see that sticker there?

2 A. Yes, ma'am.

3 Q. All right. And would you agree with me that
4 this is the chart that you produced that was current as
5 of April, 2022 regarding the pending and resolved
6 prosecutions?

7 A. Yes, ma'am.

8 Q. Okay. Go ahead and take a look at your
9 declaration, if you would. This is Deposition Exhibit
No. 2.

In Paragraph 3 of your declaration that's
on Page 1, you say in the last sentence -- and tell me
if I read this correctly -- "I have reviewed hundreds of
investigations, and handled approximately 100
prosecutions...." Do you see that there?

A. Yes, ma'am.

Q. Okay. Does your experience with the hundreds
of investigations and approximately 100 prosecutions
form the basis of your knowledge of the topics that you
testify about in your declaration?

A. Certainly a large portion of it.

22 Q. Okay. What outside of the investigations and
23 prosecutions form your knowledge for the topics that you
24 address in your declaration?

25 A. Well, if I can reference my previous answers

1 very specific thing that I thought might be
2 chart-related that's Paragraph 16 at the top of Page 4
3 where you mention the number of election offenses and
4 individuals prosecuted.

5 A. Oh, yeah. Yes, ma'am, yes. That would have
6 been another one that I would have had to review. I
7 would have had a rough idea of that, but I would have
8 had to review the spreadsheet to narrow that time frame
9 from 2015 forward.

10 Q. Did you review any case files in order to
11 prepare the declaration?

12 A. No, ma'am.

Q. An d so woul d it be fair to say , then , tha t the
knowledg e tha t you'r e expressin g i n you r declaratio n is
based on your past exposure to documents and
conversations and activities that you had?

A. I think that's accurate. It's -- it's an
amalgamation of 15 years of cases and prosecutions and
reviewing, you know, lots of election records and things
like that and all of the things we've talked about
today, yes, ma'am.

22 Q. At the very beginning of your declaration, you
23 say that -- and this is even before the numbered
24 paragraphs -- you're executing the declaration as part
25 of your assigned duties and responsibilities; is that

1 all of those cases, but I'm not sure. And if you wanted
2 me to run the numbers one way, I would definitely have
3 to go the spreadsheet and try to -- and try to do that.
4 Also, I'm not sure about the 18. It could have been 20;
5 it could have been 22. I think it was 18, but don't
6 hold me to that.

7 Q. Understood. I'm not going to force you to do
8 the math here.

9 Let's look at Paragraph 8 of your
declaration. Here you're talking about election
offenses, and in your second sentence, you say with mail
ballots -- "With mail ballots, a vote harvester travels
in person to wherever the voter is located, in a nursing
home, for example, or at the voter's home...." Do you
see that?

A. Yes, ma'am.

Q. Okay. Do you recall identifying any documents
that provide that information when you were working on
discovery production in this case?

A. No, I don't recall.

Q. Do you recall whether any documents with that
information were produced by State Defendants in this
litigation?

A. I have no idea what was produced.

25 Q. Okay. I'm going to ask you a series of very

1 similar questions about the declaration. So I hope you
2 don't become impatient if you have to repeat some of
3 your answers.

4 A. No promises.

Q. My next question is also in Paragraph 8 where
you talk about achieving an election offense "by
actually filling the ballot out for the voter, or
suggesting to the voter how they should vote during the
voting process." Do you see that language there?

A. I do. And that was referencing the ensuring
"that the ballot is voted for the candidate" in the
prior sentence. That was what the "achieving" was
about.

Q. Do you recall identifying in your documents as
part of your work on discovery production in this case
that have those specific facts in them?

A. I honestly couldn't say one way or the other.
It's the same answer as before.

Q. And do you know whether State Defendants
produce d an y document s wit h thos e specifi c fact s i n them
about fillin g ou t th e ballo t fo r th e vote r o r suggesting
to the voter how the voter should vote? Were any
document s lik e tha t produce d b y Stat e Defendant s i n the
case?

A. I have no idea.

1 questions that may elicit a similar answer, but I still
2 have to ask them, okay?

3 A. Yes, ma'am.

Q. You mentioned in Paragraph 10 that "political
operatives may transport voters to the polls and assign
the voter to an 'assistant' who walks them through the
voting process, including physically entering the votes
on the voting machine." Do you see that?

A. Yes, ma'am.

Q. Do you recall identifying any documents for
production -- for discovery production in this case that
state those specific facts?

A. I don't recall that specifically, but that's
something that I've testified about in front of the
Legislature. And it does bring a particular case to
mind, but it's a civil election contest that I wasn't
particularly -- wasn't personally involved in, but yes,
ma'am.

Q. And did you -- do you recall identifying any
documents related to that civil election contest as part
of the discovery production in this case?

A. I don't remember one way or the other.

Q. Okay. Beyond that on the civil election contest,
do you recall any other documents that would state this
specific fact -- these specific facts?

A. I don't recall documents. They may exist, but my recollection is based on generally anecdotes that I might have spoken with an investigator about or just general memories of an investigation and wouldn't be tied to any particular document.

Q. Did that investigation lead to a prosecution?

A. I wouldn't be able to tell you that. I might dig around the memory bank and maybe come up with another specific example, but that could take me more time than we have here today.

Q. And so sitting here today you can't think of a specific prosecution related to the facts stated in this sentence regarding assigning a voter to an assistant and the assistant possibly even physically entering the votes on the voting machine?

A. Well, how much time do you have?

Q. I have time. Does that mean that you want to sit for a while and think about it?

A. I mean, I could come up with another example if you wanted me to probably.

Q. And would that example be a prosecution?

A. Possibly. I remember a case in Nueces County where a candidate himself was actually sort of attaching himself to voters and taking them through the voting process and voting -- well, voting their ballots --

Was that --

-- although.

Go ahead. Please finish.

It was a runoff election. He was the only race on the ballot. So it was a little bit of unique facts. That's probably why it's standing out.

Do you mean he was the only candidate on the ballot?

Only race. It was a runoff between him and one other candidate.

Do you know if that resulted in a prosecution?

It did result in a prosecution, although not a successful one. And mistakes were made, and lessons were learned. It was not by me, by the bay.

15 Q. Okay. Is that prosecution on your chart?

16 A. Yes, ma'am.

17 Q. Can you find it?

18 A. I probably can, yeah. I think we might have
19 talked about it last -- or in a previous deposition when
20 we went through a bunch of these cases or all of the
21 cases on the prosecution's resolve list that were asked
22 about. I'm having trouble reading this.

23 Q. It's a terrible copy.

24 A. I think the defendant name might have been
25 Robert Gonzales, if that helps but, I'm having trouble

1 finding it.

2 Q. Okay.

3 A. With that being a closed case, I can pretty
4 much talk freely about it if you have questions.

5 Q. So besides Mr. Gonzales and the anecdote you
6 mentioned earlier, there would be records related to
7 Mr. Gonzales' prosecution, would there not?

8 A. There should be, yes.

9 Q. Okay. Do you recall producing those in
10 discovery?

11 A. I -- no. Again, I couldn't tell you one way or
12 the other.

13 Q. Okay.

14 A. I don't think those documents would have been
15 in my -- my custody because it was actually prosecuted
16 by an attorney from the criminal prosecutions division.
17 But I don't recall one way or the other, probably not,
18 though, from me.

Q. Okay. Now, later on in Paragraph 10, you
mention assistance -- well, "...assistants may latch on
to a voter at the polling location...." Do you see that
there --

A. I'm sorry.

Q. -- in the middle of the Paragraph 0?

A. No. 10?

Q. Yes.

A. Yes, ma'am. And actually the Gonzales example would probably be a better example of latching onto a voter; although, I do believe he did have somebody he provided transportation to, which kind of goes into the assigned assistant scheme which we saw in the South Texas case with the election contest. And we actually had -- I think we had three -- three prosecutions filed that came out of that matter which were pending at the time that we deposed last.

Q. Okay.

A. But I believe that those have since been dismissed due to the ruling in Stephens.

Q. Okay. And do you recall identifying any documents for production containing facts that assistants may latch onto a voter at the polling location?

A. I don't recall one way or the other, no, ma'am.

19 Q. Okay. Do you know whether any were produced in
20 this litigation?

21 A. I have no idea what was produced.

Q. Okay. You mention at the bottom of Paragraph 11 that "vote harvesters are usually paid off book" and that "they may be listed on campaign reports as 'canvassers,' 'blockwalkers,' 'GOTV'... 'outreach,' or

some other euphemism or title." Is that a correct reading of your declaration there?

A. Yes, ma'am, it is.

Q. Okay. Do you recall identifying any documents for production in this case that contained those facts?

A. I do not recall one way or the other.

7 Q. And do you recall whether any documents
8 containing those facts were turned over in discovery?

9 A. I have no idea.

10 Q. Okay. Paragraph 12, you mention harvesters
11 will go through a neighborhood and sign up as many
12 people as possible for mail-in ballots. Do you see that
13 there?

14 A. Yes, ma'am. And I think we discussed that in a
15 prior deposition in regard to the presentation that you
16 had a copy of that was given at a Secretary of State
17 elections conference, but, yeah, that's some general
18 information about the harvesting.

19 Q. And besides that conference document, do you
20 recall identifying any documents that -- for discovery
21 production that contained those facts?

22 A. I don't recall one way or the other.

23 Q. And do you know if any documents like that were
24 turned over in discovery?

25 A. I do not.

Q. Paragraph 13 mentions "harvesters may resort to signing up young, able-bodied people who do not qualify for mail ballot voting." Do you see that there?

A. Yes, ma'am.

Q. And then you go on to give an example of a case. Do you see that?

A. Yes, ma'am, I do.

Q. Do you recall whether you turned over -- whether you identified for production any documents related to that case that you mentioned in that paragraph?

A. I do not recall, ma'am.

Q. Do you know if any materials were turned over in discovery in this case related to vote harvesters signing up young, able-bodied people who do not qualify for mail ballot voting?

A. I do not recall -- or do not have that knowledge.

Q. So since you're talking about a case here, would it be fair to say that there was a record of that case in your office somewhere?

A. There -- right. There would be a record of that investigation, surely, certainly; although, the investigation was referred to Gregg County DA's Office for prosecution. So it's possible they have the

1 original file, and there could be some attorney work
2 product relating to our advisory role in that case from
3 a prosecution standpoint. So there could be some
4 limited documents on the prosecution side.

5 Q. And similarly with respect to the election
6 contest that you mentioned earlier involving voter
7 assistants, there would be some documentation -- some
8 records in your office touching on that election
9 contest; is that right?

10 A. Right. There should be -- I think it would be
11 about the same answer. There should be some limited --
12 there should be some sort of investigative file with
13 CID; although, as I recall, that was a fairly small
14 investigation -- fairly simple investigation because the
15 details had been hashed out and testimony had been
16 gathered in a civil election contest prior. And then
17 the case was filed by Hidalgo County District Attorney's
18 Office who we were assisting with that case up until the
19 Stephens decision became final, and that case was
20 dismissed, I believe -- those three cases.

21 Q. And then with respect to Mr. Gonzales over
22 there in Nueces County, there would be some records in
23 your office of the investigation and what it was he may
24 have done with respect to voter assistants; is that
25 right?

1 question.

2 A. Yes, ma'am.

3 Q. In your paragraphs on Mohamed Zul, in Paragraph
4 21 in the last sentence, you're talking about SB1's
5 requirement of an ID number, I believe, and in the last
6 sentence, you say, "This security measure would have
7 prevented this fraud scheme entirely, and would have
8 stopped it early, at the application phase"; is that
9 right?

10 A. Yes, ma'am.

11 Q. And when you say "application," you mean
12 application for ballot by mail?

13 A. Yes, ma'am.

Q. Wasn't it the case that Mohamed Zul had forged
vote r registratio n application s fo r th e voter s fo r whom
he was seeking mail ballots?

A. You may know more than I do about that. There
was a lot of information released publicly about this
case, and maybe that's where you're getting some of
that. The only -- my recollection was -- is
applications for ballot by mail-in for mail ballots, and
I did not -- I was not -- as I sit here today, I don't
recall a voter registration component. But, again, a
lot of information was released publicly, and so that --
I won't argue with you if that was the case.

Q. If it was the case that Mohamed Zul had forged voter registration applications which did contain ID numbers, he would have had the ID numbers that were required for application for ballot by mail, mail ballot, under SB1, correct?

MS. HUNKER: Objection, form.

A. Well, assuming he had the right numbers to begin with because you have to provide a valid ID number in order to get a registration through to the live check process. So to the extent that any vote harvester has, you know, PII, personal identifying information, of a voter, they could, well, forge a registration application and the following documents to vote.

14 Q. (BY MS. PERALES) And --

15 A. If --

16 Q. I'm sorry. Keep going.

17 A. The only thing I was going to add to that is, I -- it wasn't my understanding that he had those numbers in this case which is why I was a little more categorical about my statement that it would have stopped this scheme. So I'll leave room for you to be correct about the voter registration applications because I know there was a lot of information released publicly about this case, not by us but by Denton County, perhaps some others. I was not aware of that

1 fact if that's true.

2 Q. I could be completely wrong about that, and,
3 you know, sometimes you read something in the paper and
4 it's not correct. So --

5 A. Well, that's true, also.

6 Q. Moving along, I wanted to ask if you reviewed
7 any of the discovery responses in this case. And I'm
8 going to mark three of them for you -- actually I'm
9 going to try to save time by marking all three and
10 giving them to you at once.

11 (White Exhibit No. 7 marked.)

12 Q. (BY MS. PERALES) I'm handing you what has been
13 marked Deposition Exhibit 7.

14 (White Exhibit No. 8 marked.)

15 Q. (BY MS. PERALES) I'm going to hand you what
16 has been marked as Deposition Exhibit 8. Go ahead and
17 you take a look at these as I hand them to you.

18 (White Exhibit No. 9 marked.)

19 Q. (BY MS. PERALES) I'm handing you now what has
20 been marked as Deposition Exhibit No. 9.

21 So let's take a look at Deposition Exhibit
22 No. 7, and I'll represent to you that these are the
23 Attorney General's Objections and Responses to Private
24 Plaintiff's First Set of Requests For Production, dated
25 December 29.

1 to pin down where they came from. It's all right here
2 in my head (indicating).

3 MS. PERALES: I understand. I object as
4 nonresponsive, and I'll try my question again.

Q. (BY MS. PERALES) Understanding that you're
testifying based on what's in your head and also
understanding that what's in your head is differently
than what's in my head because we've had different
experiences professionally, would it be fair to say that
your knowledge -- the knowledge that informs the
testimony of your declaration is drawn at least in part
from the investigative and prosecution case files that
you've been exposed to over these years that you have
worked in your unit --

15 MS. HUNKER: Objection --

16 Q. (BY MS. PERALES) -- or division?

17 MS. HUNKER: Objection, form.

18 A. In part, sure.

19 Q. (BY MS. PERALES) I'm going to retrieve from
20 you Deposition Exhibit 7, if you don't mind.

21 A. I think it's --

22 Q. Where did it go?

23 A. -- right here (indicating).

24 Q. Oh, there it is.

25 MS. PERALES: And I'm going to take the

1 preparing privilege logs. Does this document help
2 refresh your recollection whether you were involved in
3 preparing privilege logs?

4 A. It's the same as before. I don't recognize the
5 document. I didn't do any work on it. If information
6 from me was used in preparation for this, I don't -- I
7 don't know about it.

8 Q. Okay. Do you happen to notice that in the
9 column which has sort of descriptive information --
10 "Privilege Statement" is the column -- we see a lot of
11 entries for "Election complaint" --

12 A. Yes, ma'am.

13 Q. -- on both the first page and the second page?
14 Would you agree with me?

15 A. Yes, ma'am.

16 Q. We don't really see entries for investigative
17 files; is that right?

18 MS. HUNKER: Objection, form.

19 A. I'm not seeing investigation files.

Q. (BY MS. PERALES) Would it be fair to say that
there are investigative files in the Election Integrity
Division that would be relevant to voter fraud
investigations but are not on this privilege log?

A. Relevant to investigations, yeah. I think any
investigative files that CID has would be relevant to

1 voter fraud investigations that were voter fraud
2 investigations, yes, ma'am.

3 Q. Okay. Thank you. I'd like you to now refer to
4 Deposition Exhibit No. 4 if I can find it. I believe I
5 have it here, and I'm going to hand it to you. You
6 previously identified this Deposition Exhibit 4 as a
7 supplemental investigation report and then behind it an
8 investigation report; is that right?

9 A. Yes, if we let the staple guide us through the
10 document. If we flip it over, the report is on top, and
11 the supplement is behind it.

12 Q. Oh, okay. I understand.

13 A. Yes, ma'am.

14 Q. Got it. Do you see one, two, three, four --
15 five pages in from what I think is the back but might be
16 the front for you there is a page that contains a list
17 of exhibits? Do you see that there?

18 A. Does it say Page 16 at the top of the page?

19 Q. Yes, it does.

20 A. Yes, ma'am.

Q. Okay. There are 26 exhibits here; is that
correct -- there's a list of 26 exhibits, yes?

A. Yes, ma'am.

Q. And do you understand these to be exhibits to
the investigation report?

A. Yes, ma'am.

Q. Do you know if these exhibits were ever produced in discovery?

A. I have no idea.

Q. Would these exhibits typically be considered part of the investigative file?

A. Yes, ma'am.

8 MS. PERALES: I'd like to go off the
9 record for five minutes, if we could.

10 MS. HUNKER: Sure.

11 MS. PERALES: Thank you.

12 THE REPORTER: Off the record, 12:45 p.m.

13 (BRIEF RECESS)

14 THE REPORTER: Back on the record, the
15 time is 12:53 p.m.

16 MS. PERALES: Thank you very much,
17 Mr. White. I pass the witness.

18

19 EXAMINATION

20 BY MS. HUNKER:

21 Q. Mr. White, I just have a couple of questions
22 for you. Can you please turn to Exhibit 5?

23 A. Got it.

24 Q. And can you please describe what this is?

25 A. This is a spreadsheet of all resolved

1 produced to opposing counsel?

2 A. That's my understanding because we -- I was
3 questioned on it in the deposition on 4-7.

4 Q. Did counsel introduce this spreadsheet as an
5 exhibit in the April deposition that you took?

6 A. Yes, ma'am.

7 Q. And that deposition took place in this case; is
8 that correct?

9 A. Yes, ma'am.

Q. During that deposition, did counsel ask you
questions about the spreadsheet?

A. Yes.

Q. And during your deposition, did counsel ask
about the cases that were listed in the spreadsheet?

A. Yes.

Q. In that deposition, did counsel run through the
cases they identified as being relevant?

A. Yes.

Q. In your deposition, did counsel ask questions
about the details on the cases they identified as
relevant?

A. Yes, to varying degrees.

Q. And did you answer counsel's questions fully?

A. Yes, I did.

Q. And did you provide all public information

about the cases that counsel asked about during your deposition?

A. To the extent that I was asked, I did.

Q. And did you -- to the extent that you were asked during your deposition, did you provide all information about closed cases?

A. To the extent that they existed on the spreadsheet and the publicly available information, I did, yes.

10 Q. In this deposition, did counsel ask you about
11 some of the cases identified in the spreadsheet?

12 A. Yes, ma'am.

13 Q. And did you answer fully and completely with
14 respect to those questions?

15 A. Yes, ma'am.

16 Q. You can put this document aside. Can you
17 please turn to Exhibit 8?

18 A. Got it.

19 Q. And can you just read the title of the
20 document?

21 A. Objections to the LUPE Plaintiffs' Second Set
22 of Requests for Production to Attorney General Kenneth
23 Paxton.

24 Q. And if you turn the page, do you see the date
25 that this particular response/objections was served?

Page 126

1 I, JONATHAN WHITE, have read the foregoing
2 deposition and hereby affix my signature that same is
3 true and correct, except as noted above.

4

5

6

JONATHAN WHITE

7

8 THE STATE OF TEXAS)

9 COUNTY OF TRAVIS)

10 Before me, _____, on
11 this day personally appeared JONATHAN WHITE, known to me
12 (or proved to me under oath or through _____)
13 (description of identity or other document) to be the
14 person whose name is subscribed to the foregoing
15 instrument and acknowledged to me that he/she executed
16 the same for the purposes and consideration therein
17 expressed.

18 Given under my hand and seal of office
19 this _____ day of _____, _____.
20

21

22

23

24

25

NOTARY PUBLIC IN AND FOR
THE STATE OF _____
MY COMMISSION EXP.: _____

1 THE STATE OF TEXAS)

2 COUNTY OF TRAVIS)

3 I, LYDIA L. EDWARDS, a Certified Shorthand
4 Reporter in and for the State of Texas, do hereby
5 certify that the facts as stated by me in the caption
6 hereto are true; and that the above and foregoing
7 answers of the Witness, JONATHAN WHITE, were made before
8 by said Witness, after having been first administered an
9 oath or affirmation to testify to the truth, the whole
10 truth, and nothing but the truth, and the same were
11 reduced to computer transcription under my direction;
12 and that the above and foregoing deposition, as set
13 forth in computer transcription, is a full, true, and
14 correct transcript of the proceedings had at the time of
15 the taking of said deposition.

16 I further certify that the amount of time
17 used for examination is as follows:

18 Dana Paikowsky - 1 hour, 25 minutes

19 Nina Perales - 1 hour, 27 minutes

20 Kathleen Hunker - 0 hours, 7 minutes

21 I further certify that the costs to
22 prepare the original transcript of the deposition came
23 to \$ _____.

24 I further certify that I am not in any capacity
25 a regular employee of the party on whose behalf this

1 deposition is taken, nor in the regular employ of any
2 attorney; and I further certify that I am not interested
3 in the cause, nor a kin or counsel to any of the
4 parties.

7
8

9 LYDIA L. EDWARDS
10 Certification No. 2567
10 Expiration Date: 04-30-25

JOB NO. 1016161

11

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